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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,727	04/15/2004	Philippe Cassegrain	4049-138	8871
22440 7590 07/26/2007 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601			EXAMINER MAI, TRI M	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/825,727

Applicant(s)

CASSEGRAIN, PHILIPPE

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the storage pocket along with storing of the handtruck in claim 17 and the reinforcement in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1, and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 3012425. JP '425 teaches a baggage having a hand truck with a base and a frame, a container having a compartment for receiving the frame of the hand truck.

3. Claim 3, 4, and 7-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'425 in view of Dischler. Dischler teaches that it is known in the art to provide

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attachment flaps comprise of two flaps 24, 26. It would have been obvious to one of ordinary skill in the art to provide the two flaps to provide an alternative attachment means.

Regarding claim 4, note the zipper at 13.

Regarding claim 18, note the reinforcement at the back panel in Fig. 9. (there is one panel between portion 15A and 1) being reinforced as claimed.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'425 in view of Dischler rejection, as set forth above, and further in view of Hoops (4003508) or Chuo (20040188201). Hoops teaches that it is known in the art to provide attachment pocket having trapezoidal shape at 30. Similarly, Chuo teaches that it is known in the art to provide attachment pocket having trapezoidal shape. It would have been obvious to one of ordinary skill in the art to provide the pocket having trapezoidal shape as taught by either Hoops or Chuo to provide the desired shape of the attachment flaps.

5. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'425 in view of Dischler rejection, as set forth above, and further in view of Shamah (5664652). It would have been obvious to one of ordinary skill in the art to provide a container that can be folded and maintain in folded condition by zipper at 30 and 32 to provide an alternative type of luggage and enable on to adjust the volume of the luggage.

Regarding claim 17, the truck in Fig. 3 of JP'425 can be folded and store in the storage compartment in Shamah.

6. Claims 1, and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Hafif (20040238303 with provisional 60/473966). Hafif teaches a baggage assembly having a container and a compartment with a compartment for receiving the frame.

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7. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafif in view of Dischler. Dischler teaches that it is known in the art to provide attachment flaps comprise of two flaps 24, 26. It would have been obvious to one of ordinary skill in the art to provide the two flaps to provide an alternative attachment means.

8. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafif rejection, as set forth in paragraph 7, and further in view of Chuo(20040188201). It would have been obvious to one of ordinary skill in the art to provide a rectangular bag to provide the desired shape of the carrying device.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TRI M. MAI  
PRIMARY EXAMINER